VA Directive 7401.3 **Transmittal Sheet** December 3, 1998

## SELLING AUTHORITY **CERTIFICATION**

- 1. REASON FOR ISSUE. To issue policy for VA-wide Selling Authority Certification. The authority to enter into sales agreements is currently established in the Veterans Affairs Acquisition Regulation (VAAR) Subpart 801.602(a)(l).
- 2. SUMMARY OF CONTENTS/MAJOR CHANGES. This directive sets forth the policy for appointment of individuals as selling officials.
- 3. RESPONSIBLE OFFICE. Acquisition Resources Service (95), Office of Acquisition and Materiel Management. Questions can be directed to the Acquisition Policy Team (95A) at (202) 273-8818.
- **4. RELATED HANDBOOK.** VA Handbook 7401.3, Selling Authority Certification Procedures.

RECISSIONS. None.

**CERTIFIED BY:** 

BY DIRECTION OF THE SECRETARY

OF VETERANS AFFAIRS:

Principa Deputy Assistant Secretary for Information and Technology

Edward A. Powell, Jr. Assistant Secretary for Management

Distribution: RPC 7029

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## SELLING AUTHORITY CERTIFICATION

- **1. Purpose.** This directive establishes the policy for selection, appointment, and termination of selling officials. Selling officials are defined as those persons granted authority to enter into sales agreements on a continuing basis, as referenced by Veterans Affairs Acquisition Regulation (VAAR) 801.602(a)(I).
- **2. Background.** The enactment of Enhanced Health Care Resources Sharing Authority under Public Law (Pub. L.) 104-262, Sections 8151 through 8153 of 38 United States Code (U.S.C.) created dramatically increased opportunity for agency selling activity within the Veterans Health Administration (VHA). This directive was developed both to recognize senior level contracting officers as selling officials, and to allow VHA facility directors and network directors to request individuals other than contracting officers to be so designated.

## 3. Policy

- a. Under the doctrine of "actual authority," the Government is not bound by the unauthorized actions of its agents. This principle necessitates that all persons entering into sales agreements be duly appointed to do so by proper delegation of authority. In the Department of Veterans Affairs, this authority has been delegated to the Procurement Executive as specified in VAAR 801.602(a) and must be re-delegated to selling officials.
- b. All senior level (unlimited) contracting officers, by virtue of their appointment through the Contracting Officer Certification Program (COCP), referenced at VAAR 801.690, are delegated authority to enter into sales agreements on behalf of the Government.
- c. All other candidates shall possess documented significant business administration experience and/or educational backgrounds. In addition to these qualifications, all candidates must be certified by their recommending official as having familiarity with the provisions of the Enhanced Health Care Resources Sharing Authority cited above, as it pertains to selling.
- d. Selling officials, other than contracting officers as referenced in paragraph 3.b., shall be appointed to meet the particular needs of their respective organizations. Those nominated shall be service chiefs or their equivalent, with significant ongoing responsibilities for selling materials and services under the Enhanced Health Care Resources Sharing Authority. Individuals with limited or one-time needs should team with senior level contracting, officers to execute necessary selling agreements.

## 4. Responsibilities

- a. The Procurement Executive (Deputy Assistant Secretary for Acquisition and Materiel Management). The Procurement Executive shall:
- (1) Serve as the appointing official, and in that capacity, appoint or terminate selling officials; and
- (2) Direct the development of additional training appropriate to the certification of selling officials.
- b. Recommending Official. Recommending officials shall be either the candidate's facility director or network director. Recommending officials shall:
- (1) Submit requests to the Procurement Executive for the appointment or termination of selling officials via the Acquisition Administration Team (95B) based on the organization's needs and the candidate's qualifications.
- (2) Report specific changes in the status of the selling official(s) they have recommended to the Acquisition Administration Team (95B) within 5 working days of occurrence (Le., departures, changes in name, position, and grade).
- c. Acquisition Administration Team (95B). The Acquisition Administration Team will review and forward requests for appointment or termination of selling officials to the Procurement Executive.